IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

**CIVIL WRIT PETITION NO. 3390 OF 2007**

DATE OF DECISION: April 23, 2007

Parties Name

Justindeep

..PETITIONER

VERSUS

Baba Farid University of Health Sciences and another

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JASBIR SINGH
HON'BLE MRS. JUSTICE NIRMAL YADAV

PRESENT: Mr. Sandeep Arora,
Advocate, for the petitioner.

Mr. T.S. Dhindsa, Advocate;

JASBIR SINGH, J. (oral)

Order.

Petitioner had sought admission in Bachelor of Science (Nursing) course. By filing Civil Writ Petition No. 7234 of 2006, he made a prayer in this Court that directions be issued to the University to register him as a regular student, in the above said course. That writ petition was decided by this Court on September 11, 2006. Relevant portion of the order reads thus:

> "In view of the disposal of the present writ petition, we direct that the aforesaid protection granted to the petitioner shall continue to operate for a period of six weeks from today, if any,

communication, as maintained by the petitioner, is received by the respondent -University within the aforesaid period of six weeks then the result of the petitioner shall be declared by the respondent -University. However, if the respondent -University fails to get any information in this regard from the respondent -College, then in that case the permission granted to the petitioner to appear in the examination shall automatically lapse and in that situation, the petitioner shall not claim any benefit of the aforesaid provisional order."

The petitioner was studying in the above said course before he filed the above said writ petition. It was for respondent No. 2- College to intimate the University that one seat was lying vacant, against which the petitioner could have been adjusted. After passing of the order by this Court on September 11, 2006, the respondent – College failed to furnish the necessary information to the University. Because of that lapse, the petitioner was not registered as a regular student and his result was not declared.

We feel that the fault lies entirely with respondent No. 2. It was specifically mentioned in the order dated September 11, 2006, that intimation regarding availability of the seat be sent to the University within six weeks from that date. Respondent No. 2 remained careless and the information was supplied, after that period had lapsed. Under these circumstances, we are of the view that no fault lies with the petitioner. In view of availability of the seat, his admission against that seat requires

to be regularised. We order accordingly and direct the respondent – University to declare his result. For carelessness shown by respondent No. 2, we impose a cost of Rs. 5,000/- to be paid by respondent No. 2 to the respondent – University within one month. The petition stands disposed of accordingly.

( Jasbir Singh )
Judge

( Nirmal Yadav )
Judge

April 23, 2007.
DKC